

IN THE UNITED STATES OF AMERICA
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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| Eric Douglas Eisele, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 9:15-3628-BHH |
| v. |) | |
| |) | <u>ORDER</u> |
| Carolyn W. Colvin, Acting |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on Plaintiff Eric Douglas Eisele's complaint seeking judicial review of the final decision of the Commissioner of Social Security, pursuant to Section 205(g) of the Social Security Act, as amended (42 U.S.C. § 405(g)), which denied his claim for disability insurance benefits. The record includes the report and recommendation ("Report") of a United States Magistrate Judge, which was made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C. In the Report, which was filed on September 26, 2016, the Magistrate Judge recommends that the Court reverse the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g) and remand the case to the Commissioner for further administrative action. In a notice filed on October 14, 2016, the Defendant informed the Court that she will not file objections to the Report.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court hereby adopts the Report (ECF No. 13) and incorporates it herein. It is **ORDERED** that the decision of the Commissioner of Social Security is reversed pursuant to sentence four of 42 U.S.C. § 405(g), and the case is remanded to the Commissioner for further administrative action as set forth in the Report.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

October 31, 2016
Charleston, South Carolina